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Examining Court Appointed Special Advocate Programs in Essex County, Massachusetts

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Abstract

Court Appointed Special Advocates (CASA) have been advocating for children for decades. The primary goal of CASA is to help children in need achieve a better life outcome. Volunteers go through extensive training to ensure the children will receive proper court advocacy. Merrimack Valley CASA provides services to their clients, such as court advocacy, placement in permanent homes, appropriate educational opportunities, and improvement in a child's overall wellbeing. The purposes of the current research are to examine the types of services and the perceived quality of those services provided by CASA, to assess the needs of the program, and to provide recommendations on how to improve services that CASA offers in Essex County, Massachusetts. In order to do so, interviews with members of the CASA team were conducted to determine the strengths and limitations of services. Results suggest that CASA staff and volunteers are doing a good job given the limited staff and funding of the non-profit organization. CASA volunteers work closely with all persons in the child's life in order to provide the best recommendation to the court. Policy implications and directions for future research are discussed.

Examining Court Appointed Special Advocate Programs in Essex County, Massachusetts

Children who have experienced and/or witnessed abuse and neglect in the home are disadvantaged in court as well. Children often do not understand the legal process and their voice remains silenced in the courtroom. It wasn't until 1974 with the enactment of the Child Abuse Prevention and Treatment Act (CAPTA) did change begin to occur. The legislation made federal funding available to states to provide prevention and treatment programming for children and families and assist in the legal process. A requirement to receive funding from CAPTA is that the state must have protocols and procedures in place when a child abuse allegation arises. Additionally, grants are given to agencies and nonprofit organizations to offer information and awareness trainings on child abuse and neglect. This was the first major push to help children in need.

Following the enactment of this important piece of legislation, a greater number of programs were developed to achieve the goals of CAPTA. Court Appointed Special Advocates (CASA) were created a few years later in 1977. Judge David W. Soukup started the program in Seattle, Washington, when he realized children were not receiving the proper care and guidance they needed. Public advocates, appointed by the state, appeared not to be advocating for the child's best interest and were not representing the child's voice in court (Indiana Child Advocates Network, 2020). The National Organization of Court Appointed Special Advocates reports that there are approximately 93,000 volunteers trying to make a difference in a child's life. With all 50 states participating in CASA, there are over 950 programs throughout the United States. That means that approximately 270,000 children are being helped by CASA nationwide (Indiana Child Advocates Network, 2020). The services provided by CASA are limited by the amount of grant funding from the Department of Justice and other contributions from private

corporations. The current research focuses on CASA of the Merrimack Valley. Through interviews with members of the CASA team, the current research examines the types of services and the perceived quality of those services, assesses the needs of the program, and provides recommendations on how to improve services in Essex County, Massachusetts.

Literature Review

Children and the Courtroom

More than ever before, children are entering the court system at a young age. Adults may be unequipped to handle children's behavior, and not know what to do, so they call the police in an effort to control the behavior. In one case, a child was brought to court over breaking an eleven-dollar broom that they had already paid to repair. As you can see from this example, the degree of behavior varies on what children are going to court for. It can be behavioral problems, from minor damages to more severe cases, such as family problems, child abuse, and neglect (Community Care, 2005). The justice system can be a tough place for children. Additionally, the courtroom can be a scary place for anyone, but can be worse for children who are alone. More often than not, children's voices go unheard during the legal process.

When in court, the children need someone to be on their side and express their views, desires, and interests. They also need someone to help them navigate the legal processes. Abused and neglected children may be suffering from trauma, and being asked questions from counsel may be a psychological trigger. A child may become distressed due to the questions asked by counsel in the courtroom. If that occurs, he or she may be in need of someone to ensure he or she receives a break to collect him or herself. The child may also need help clarifying questions to have a better understanding of what is going on. Not only can trauma trigger psychological distress, but it can impair memory. Certain events may be hard to recall after a recent trauma. It

is with the help of an advocate that a child can talk through it and provide accurate information needed in the courtroom (LeVezu, 2018).

In 2015, the foster care system had approximately 400,000 children waiting to be placed into a forever home (LeVezu, 2018). These children were waiting for their dependency court hearing, however, 20,000 of these children had their cases dismissed because they aged into adulthood before their case was heard. Sixty-four thousand of the 400,000 children had been in the foster care system for over three years (LeVezu, 2018). A comparison between sixty Court Appointed Special Advocate (CASA) children and ninety-eight Staff Attorney Model (SAM) children in a large midwestern city was conducted on cases that came before the court between January 1, 1984 and August 30, 1988. It was shown that CASA provided more services to the children than SAM. Results found that children who were assigned to CASA were more likely to be adopted; 21.7% of CASA children were adopted compared to 7.1% of the SAM cases. Furthermore, 61.5% of CASA adoption cases were children of color. However, 0% of the SAM adoption cases involved children of color (Poertner & Press, 1990).

The Legal Rights of Children

The Due Process Clause of the Fourteenth Amendment states that “no person shall be deprived of life, liberty, or property without due process of law.” Due process refers to fair procedures. Children, just like adults, are entitled to due process, as well as adequate legal representation as outlined by the Fifth Amendment (Taylor, 2009). In the case *In Re Gault*, a 15-year-old made an obscene phone call to a neighbor, was arrested, and sentenced until the age of 21 years old. This case is notable because the U.S. Supreme Court ruled that the young man’s due process rights were violated. For example, his parents were not notified of the charges nor did he receive the right to legal representation. Although some judges waive the right to legal

representation for children, others make it mandatory. It is argued that this should not be an option, because children have a legal right to it (Edwards & Sagatun, 1995). It is important to note that the right to adequate legal representation in the juvenile court extends to family court as well. Court appointed special advocates play an essential role in protecting the child during these court processes.

Child Advocates in the Courtroom

Court Appointed Special Advocates (CASA) continue to gain volunteers around the United States, however, the population of children in need exceeds the number of volunteers. Around 300,000 children enter the court each year who have been victims of abuse or neglect (Taylor, 2009). This growing number of children are in need of someone to help them. If they do not receive an advocate, they could remain in an unsafe place and the abuse and neglect could continue. It has been noted that children who do receive advocates are more likely to be placed into a permanent home, rather than staying in foster care or bouncing around to different homes (Taylor, 2009).

The role of the child advocate does not have a precise meaning. The way advocates do their job varies between states, courthouses, and even lawyers. One way to resolve this is for the judge and the parties to sit down and have a conversation on the exact role the advocate will play (Lidman & Hollingsworth, 1998). It is important to note that although the judge is the person who ultimately makes the decision on what will happen to the child, a CASA provides the information relevant to the case in order to help the judge make an informed decision. The CASA members role is to advocate for the child's best interest. The best interest strategy involves the CASA member gathering all the information they can about the child. They meet with the child, their family or foster parents, teachers, therapists, doctors, dentists, and others in

the community who are familiar with the child. With all the information they receive, the CASA members are able to advocate, to the best of their ability, the child's best interest to the judge (Family Services of the Merrimack Valley, 2020).

Litzelfelner (2000) conducted a study in Kansas which examined how effective CASA volunteers were regarding case closure rates, the length of time children were under court jurisdiction, and the number of children adopted. One hundred nineteen CASA cases were compared to 81 non-CASA cases over a two-year period with six-month check ins. Results suggested that closure rates were not statistically different between the two groups; CASA had 32% closure rates and non-CASA cases had 41% closure rates. The length of time under court jurisdiction was also insignificant with CASA averaging 29.9 months and non-CASA averaging 29.4 months. Lastly, there were not enough closed adoption cases to successfully provide a reliable comparison between the two groups (Litzelfelner, 2000). While this may seem discouraging, the researchers made sure to note that the policies and procedures of CASA programs across the country vary widely which may lead to inconsistent results in program outcomes.

However, in a study comparing CASA volunteers to attorneys, CASA was more likely to file written reports and provided judges with more information compared to attorneys (Granger-Merkle, Youngclarke, & Ramos, 2004). The study also found that when referring children and families to services, such as a substance abuse treatment, CASA accounted for 46% of those referrals compared to 32% made by attorneys (Granger-Merkle et al., 2004). Moreover, data from a randomized trial found that CASA volunteers accounted for more children being adopted than cases without CASA member involvement (Granger-Merkle et al., 2004).

In conclusion, since the Child Abuse Prevention and Treatment Act (CAPTA) was enacted in 1974, a greater number of programs have been created to help provide for the wellbeing of abused and neglected children. CASA plays an essential role in children's lives by helping them navigate the court system using the best-interest strategy. All 50 states have now implemented CASA. The CASA team serving Essex County, Massachusetts is housed under the non-profit organization called Family Services of the Merrimack Valley. Family Services offers other programs, such as parenting programs, youth development, emotional wellness, suicide prevention and postvention, and employee assistance program as well.

CASA works hard to help children in need. They try to take on manageable caseloads to ensure the best quality of care to children. CASA members become a reliable support system for the children, for they remain on the child's case throughout the whole process. In order to become a CASA volunteer, you must first submit an application. The applicant must successfully pass a criminal background check and complete an interview with one of the CASA staff members. If chosen as a CASA volunteer, the applicant will then go through training and be sworn in by a juvenile court judge in order to be able to represent a child in court. Thirty hours of initial training are needed before a CASA volunteer is assigned cases. The training involves the volunteers learning about their roles, developmental and social issues of children and families, and court processes and the law. Each year, the volunteers must go through an additional twelve hours of in-service training (Indiana Child Advocate Network, 2020).

The current study examines the types of services and the perceived quality of those services provided by CASA, assesses the needs of the program, and provides recommendations on how to improve services that CASA offers in Essex County, Massachusetts. It is imperative to know how the organization helps children in need. With a large number of children entering the

court system each year, children have the right to have their voices be heard. In order for them to be heard, they need an adult who is willing to put the time into helping and advocating for their best interests in court. The questions to be answered by this research are: What is the perceived quality of services provided by CASA of the Merrimack Valley from the perspective of CASA team members? Is CASA of the Merrimack Valley able to provide quality services to children in Essex County, Massachusetts with the funding and staffing available?

Methodology

Data were collected by conducting in-person interviews with people who are, or have been, employed at CASA of the Merrimack Valley. The interview instrument consists of twenty-five questions regarding the services, funding, and staffing of the Merrimack Valley CASA program (please see Appendix). The interview instrument gathered both quantitative and qualitative data. The researcher recruited members of CASA's administration, staff, as well as volunteers. An email was sent to the administration requesting authorization to conduct interviews with CASA employees and volunteers. The email included the purpose of the research, along with an informed consent form indicating the rights of research participants during and after the completion of the study. The researcher requested the names and email addresses of potential participants.

To be included in the study, participants needed to have worked at CASA of the Merrimack Valley for at least one year. The participants must have completed CASA's training and have been responsible for at least one child advocacy case. The interviews took place at the Family Services of Merrimack Valley office in Lawrence, Massachusetts. Another interview option that was given to the participants was a Skype interview. The place and timing of the interviews were scheduled at the convenience of the participants. The participants were asked to

read and sign an informed consent form before starting the interview, which included permission to audio record the interview. Audio recording was used to improve the accuracy of interview transcription. In-depth interviews were conducted with a total of five participants (n = 5).

Variables of interest in this study are funding, staffing, types and quality of services. Funding is conceptually defined as the amount of money CASA needs from donations, local, state, and federal organizations each fiscal year in order to provide quality services. Staffing is measured by the number of salaried employees and unpaid volunteers who work at CASA of the Merrimack Valley needed to provide quality services. Services are conceptually defined as what services/programming CASA provides to their clients, such as court advocacy, placement in permanent homes, appropriate educational attainment, and improvement in a child's wellbeing. A Likert-type scale was used to measure the quality of each individual service with 1= very dissatisfied; 2 = dissatisfied; 3 = satisfied; and 4 = very satisfied. Lower numbers indicate less satisfaction with the quality of services provided. Participants were asked to explain why they chose the level of satisfaction they did.

In the current study, a number of sociodemographic characteristics of participants were recorded. Gender is operationalized as 1=female and 2 = male. Ethnicity is operationalized as 1= Hispanic and 2= non-Hispanic. Race is operationalized as 1= White or Caucasian; 2= Black or African American; 3= Asian; 4= American Indian and Alaska Native; 5= Native Hawaiian and Other Pacific Islander; 6= Other. Highest degree earned is operationalized as 1= high school diploma; 2= associate's degree; 3= bachelor's degree; 4= master's degree; 5= juris doctorate.

Results

The findings of the interviews demonstrate the strengths and weaknesses of Court Appointed Special Advocates in Essex County, Massachusetts. The five participants are 90%

Caucasian and 10% African American. Ninety percent of the respondents are female and 10% are male. The age of respondents ranges from 29 to 59 years old. Their education level ranges from a bachelor's degree to a juris doctorate. Eighty percent of the participants are CASA volunteers and 20% are supervisors.

Type and Quality of Services

Quality of court advocacy.

Twenty percent of participants responded that they were very satisfied, 60% responded satisfied, and 20% responded that they were dissatisfied with the quality of court advocacy. Participants indicated that there is an enormous amount of work preparing for court, reading through the Department of Children and Families (DCF) documents, writing reports from 18-25 pages in length, and visiting children. Judges genuinely care and want to listen to the information gathered about the children by CASA members. However, participants noted that efficiency should be increased. Between lawyers, DCF, social workers, and court investigators, the information presented to the court can be redundant. It would be better if all of the parties involved shared information with each other in order to proceed with the case in a timelier manner. With the abundance of information gathered, there would need to be more staff to improve the efficiency of the investigative and court process.

Quality of placement in permanent homes.

Ninety percent of participants responded that they were dissatisfied with the quality of placement of children in permanent homes. This is not surprising given that there are many challenges in the adoption and reunification process. One challenge is that there are more children entering the system each year than there are places for the children to call home. It can be difficult to reunite families if the mother and father are not doing what they need to do to

create a stable home life for the child. From the courts point of view, mothers have been known to be held to a higher standard than fathers. There is a higher standard for mothers to take the necessary steps and complete programs compared to fathers. The mother may be tasked with more responsibilities, and the father may slack on what needs to be completed. This can be challenging when trying to reunite the child back with their parents. Oftentimes, siblings may be separated from each other leaving them scared. Other challenges occur for children who are older and children who are autistic because they have a harder time finding a permanent home. Additionally, some adoptive families aren't sure of how to raise a child, and end up returning them back into the system after a few short months. Participants indicated that finding the right fit for both the child and the families looking to adopt can be difficult, especially matching them correctly.

Quality of appropriate educational opportunities.

Forty percent of participants responded that they were very satisfied, 20% satisfied, 20% dissatisfied with the quality of appropriate educational opportunities, and 20% of the respondents chose not to answer. CASA does the best they can to ensure that children are going to school. Participants indicated that if there are problems with the child attending school, they will be addressed in the courtroom by the judge. Social-behavioral needs assessments take place when a child is falling behind in school to see what needs improvement. However, it is harder to make older children attend school. In Massachusetts, once a child turns 16 years old, it is his/her choice to continue his/her education or drop out of high school.

Quality of improvement in a child's wellbeing.

Eighty percent of participants responded that they were satisfied and 20% responded that they were dissatisfied with the quality of improvements made to the child's overall well-being.

CASA members indicated that they see an improvement in the child's behavior and attitude over time. The child's caretakers have often taken parenting and other classes needed for improvement as well. The families become more knowledgeable than before CASA became involved. However, respondents argued that it is difficult to determine the overall child's well-being because CASA is not continually in the child's life after their case closes. Another difficulty is between the child and their permanent home. Children can be removed from their abusive home and put into foster care. However, they may be in foster care for a long time which may affect the child's well-being.

Funding

Participants suggested that in comparison to other non-profit organizations, CASA does relatively well. Funding comes from the state legislature through the courts, Victims of Crime Act (VOCA), foundations, fundraising, and private donations. CASA is joined with Family Services of the Merrimack Valley. Family Services provides funds and helps with fundraising, along with grant applications. The national CASA organization has grant funding available that CASA of the Merrimack Valley is able to apply for. In terms of fundraising, Family Services gives CASA money if fundraising goals are not met. However, if CASA meets their fundraising goals, Family Services won't contribute extra money. Participants also indicated that program funding is important because it affects staffing and the salaries of paid employees.

Staffing

Participants suggested that, as a non-profit organization, it is difficult for CASA to compensate employees for all of the hard work they do. Employees aren't paid enough and start out making \$18-\$20 an hour. Because CASA is unable to apply for more funding than they had received the previous year, CASA is constantly fighting for higher salaries for the staff.

Participants indicated that there is a five-year growth plan in place to double the number of cases and volunteers. The volunteers are screened and trained very well. There has been a rise in volunteers, with sixteen new people currently in training. The supervisors do a great job in helping volunteers with their cases and answering any questions that volunteers have. According to participants, there is a lot of support and “thank you’s” expressed to the volunteers. However, CASA could be better at providing peer coordinators to help new volunteers with their first cases. Participants suggested that CASA could also be better at recruitment, making the general public more aware of CASA’s organization, and placing a greater focus on how to retain volunteers because they take on a lot of responsibility.

Discussion

Findings indicate that CASA of the Merrimack Valley is doing the best they can with the funding and staffing available. More funding would mean a higher salary for staff, more opportunities, and greater efficiency in regards to case work and documents completed for the court. The perceived quality of services varied by participant. Although CASA’s efficiency would improve with more funding and staff, staff and volunteers are doing well. The court, lawyers, and DCF potentially slow down the case process. It is suggested that information should be shared between the parties, instead of everyone searching for the same information and duplicating efforts. Findings from the current study indicate that participants thought the quality of placement in permanent homes is poor because there are more children entering the system than there are homes. Also, not all families are fully equipped and knowledgeable before adoption, therefore, some return the children back to foster care. As far as education goes, once a child turns sixteen it is much harder to make the child attend high school if he or she is set on not attending. Trying to help younger children maintain motivation to attend school is relatively

easier. In regards to a child's wellbeing, CASA of the Merrimack Valley is overall satisfied. Parents or guardians are more knowledgeable after CASA has intervened and CASA does their best to make sure they see progress and positive changes in a child's life.

CASA is involved in many cases of child abuse and neglect. According to participants, one of the best parts of the job is "knowing you have positively impacted a child's life." A case where a participant impacted a child's life for the better started with a young girl who was removed from her home. Her mother was using drugs and the father was absent from the child's life. The mother wanted her daughter back from foster care, was taking the necessary steps, and participating in treatment to better herself. However, the mother was an illegal immigrant and U.S. Immigration and Customs Enforcement (ICE) appeared at the mother's court date and removed her from the United States. Not wanting the child to be left in foster care, DCF and CASA worked together, found the child's father, who was granted custody of his daughter. When suitable, CASA tries their best to keep children with their relatives.

Another example is a case that involved a CASA member advocating for three siblings for nearly four years. At the start of the case, the siblings were removed from their abusive home and put into foster care. Their physical and mental needs began to be met when CASA became involved in their lives. One of the children, a fourteen-year-old boy, told the CASA member that he loved her because she kept her word and followed through with actions in regards to the sibling's case. This was important for the adolescent, because other people in his life would say they would do something, but not follow through with it. Another CASA case involved twin infants who needed a safe and suitable home. The CASA member reached out to housing coordinators in order to find them a good placement several times. The CASA member helped the twins' mother by checking that she was following her progress plan. The attorney in the case

stated that the mother was not in line with the plan. The CASA member investigated and found that the mother was, in fact, doing what she was supposed to be doing. The CASA member stated, “I also called attention to the father’s behavior and other risk factors (such as financial circumstance) which could still affect the children, and made recommendations as to how these risk factors could be mitigated.” These cases are excellent examples of the ways in which CASA members work to ensure the child’s best interest and make positively affect the child’s life.

Although most of the participants’ responses were in favor of the quality of CASA services, the current study is not without limitations. Due to COVID-19 pandemic, only one face-to-face interview took place before the stay at home order was issued in Massachusetts. With that being said, the remaining four participants answered the questions in the interview instrument by typing their responses via email or Google Doc which was shared with the researcher. This limited the in-depth face-to-face interview process. There was not as much information written about the questions when compared to the face-to-face interview. When conducting an in-person interview, the participant was able to talk and explain in more detail the answers to the research questions based on the researcher’s prompts. Also, not all of the participants who responded via email or Google Doc answered every research question and therefore, there was some missing data. Another limitation is that some volunteers did not know the answers to certain questions. Therefore, future research should have a larger sample size. A larger number of participants, including a greater number of males and more diverse socio-demographics, would be useful in gathering different views and increase the validity of the results. Along with different demographics, more than one CASA organization should be interviewed. Interviewing more than one CASA organization would be useful in assessing the effectiveness of CASA’s services. Future research may also add a comparison group such as

lawyers or DCF interviews. Interviewing children who have been aided by CASA would be helpful in assessing how the children view CASA's organization and the collective services they provided.

Strengths to the current study include the willingness of the participants to be interviewed. With the uncertainty caused by COVID-19, the participants were still willing and able to answer the research questions promptly. Another strength is that the research questions were answered by both supervisors and volunteers. This contributes to the validity of the research results. The current study also included a mix of both open-ended questions and closed-ended questions using a Likert-type scale. Gathering both quantitative and qualitative data provided greater detail of responses. Lastly, data collected in the current study could be used in future grant writing, in order to better fund the program to ensure proper staffing and efficiency.

Moving forward, CASA of the Merrimack Valley needs to focus on attaining volunteers through Essex County, Massachusetts. Volunteers play a crucial role in CASA's system. CASA is dependent upon their volunteers. The more volunteers, the more successful and efficient CASA's services will be. With more volunteers, casework will be able to be divided up amongst the volunteers. A greater number of cases will be able to be taken on from the court, which in return, will help more children in need. Since being a volunteer comes with much responsibility and no pay, there needs to be a focus on how to keep the volunteers longer. CASA could increase their marketing tactics to spread awareness about their organization throughout Essex County, Massachusetts. With more awareness, there will be a higher chance of recruiting more volunteers. Fundraising efforts needs to be increased as well. With more money, CASA will be able to grow in cases and volunteers. CASA would be able to hire another supervisor and train peer coordinators to help volunteers with their first cases and any questions they have. An

emphasis needs to be placed on information sharing between CASA, the court investigator, and the Department of Children and Families (DCF). Creating open lines of communication would benefit all parties involved in a case. With more communication, the efficiency levels would increase as well. Another way to improve efficiency is to work a schedule out with the court. In regards to CASA being involved in a child's education, suggesting the child attends alternative technical or vocational schools is a suggestion for improvement. Learning styles differ, and a technical school could be a better placement for some children. Another area for improvement is CASA teaming up with regional colleges. CASA staff and volunteers may take college classes to expand their knowledge in the new field of work they are entering. College classes relating to social work, the juvenile justice system, and other relevant courses would be helpful in developing new skills, tools, and gathering information to improve job performance.

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Appendix

Interview Instrument

1. What race are you? 1= White or Caucasian; 2= Black or African American; 3= Asian; 4= American Indian and Alaska Native; 5= Native Hawaiian and Other Pacific Islander; 6= Other
2. What's your ethnicity? 1= Hispanic and 2= Non-Hispanic
3. What's your gender? 1= female and 2 = male
4. How old are you?
5. Highest degree earned? 1= high school diploma, 2= Associate's degree, 3 = Bachelor's degree, 4= Master's degree, 5= Juris Doctorate
6. How long have you been working for CASA?
7. Are you a salaried employee or a volunteer?
8. What does CASA member training entail?
9. Please describe in your own words what a day is like at the office?
10. How many cases do you have at a given time? What is your caseload?
11. How do you manage your caseload?
12. What challenges do you face in your job?
13. What services does CASA provide to its clients?
14. Quality of court advocacy and efficiency
1= very dissatisfied; 2= dissatisfied; 3= satisfied; 4= very satisfied
a. Please explain
15. Quality of placement in permanent homes
1= very dissatisfied; 2= dissatisfied; 3= satisfied; 4= very satisfied
a. Please explain
16. Quality of appropriate educational attainment
1= very dissatisfied; 2= dissatisfied; 3= satisfied; 4= very satisfied
a. Please explain
17. Quality of improvement in a child's wellbeing
1= very dissatisfied; 2= dissatisfied; 3= satisfied; 4= very satisfied
a. Please explain
18. How does the program define success?
19. What do you think the program does well?
20. What do you think needs improvement?
21. You work for a non-profit, where does your funding come from?
22. How do you ensure that CASA is financially secure throughout the years?
a. And in the long run?
23. How does your funding affect recruitment?
a. Retaining employees?
24. Describe a case in which you positively impacted a child's life
25. Describe a case in which you faced difficulties